

REMARKS

The Examiner has rejected the claims, under 35 U.S.C. §103, over two combinations of references, namely Johnson, Aichroth, and Jones, and the combination of Aichroth, Rode, and Jones.

With respect to the combination which includes Johnson, Applicant notes that Johnson deals with a waveguide, not a hydraulic fluid system. A waveguide is a tube or pipe used to transmit electromagnetic radiation. A hydraulic fluid system transmits a pressurized liquid, such as oil.

The field of waveguides is entirely different from the field of hydraulic fluids. Therefore, Applicant submits that Johnson is not analogous art.

A person of ordinary skill, in the field of the present invention, would not be inclined to look to unrelated fields, such as the field of transmission of electromagnetic radiation. That is, a worker in the art of pressurized hydraulic liquids would have no reason to consider the art of transmission of electronic signals. Therefore, for this reason alone, Applicant submits that it would not have been obvious to combine Johnson, Aichroth, and Jones, under Section 103.

To emphasize further the difference between the field of the present invention and the field of Johnson, Applicant has amended the independent claims to recite that the apparatus is part of a hydraulic fluid system. Support for this limitation is found on pages 2 and 12 of the specification, wherein hydraulic systems are mentioned. Indeed, from the context of the entire specification, it is clear that the present invention is concerned with hydraulic fluid systems.

Applicant therefore submits that the claims clearly distinguish over

any combination of references which includes Johnson.

Both combinations of references, applied by the Examiner, rely on the patent to Jones for its teaching of an orifice.

Applicant submits that Jones is not pertinent, in part because the orifice of Jones is not connected to the main flow of fluid. As was explained in prior Amendments and in the prior appeal brief, the main flow of fluid, in Jones, is between ports 2 and 3, shown in Figure 1 of Jones.

The orifice of Jones is not in direct fluid communication with the flow of fluid between ports 2 and 3. Instead, the orifice of Jones is in communication with static fluid. The orifice of the present invention is in communication with dynamic fluid.

Stated another way, the orifice in the present invention is in direct connection with pressurized hydraulic fluid that is moving. The orifice in Jones is connected directly only to fluid that is essentially stationary.

Applicant has amended the independent claims to recite that the orifice comprises a passage having an end which is immediately adjacent to, and is in fluid connection with, the path for pressurized hydraulic fluid flow. Support for this limitation is found on page 9, first full paragraph, of the specification, which states that the orifice directs fluid from a pressurized port to the underside of the seal. Support is also found in the drawings, especially the detailed drawing in Figure 5E, which shows that the orifice 17 is a passage having an end which is adjacent to the main flow path for hydraulic fluid.

Applicant submits that the amended claims distinguish further over Jones, which shows an orifice which is not in direct connection with the main flow path.

Again, in the present invention, the orifice is in direct connection with dynamic fluid, i.e. the main flow of pressurized hydraulic fluid. In Jones, the orifice is removed from the main flow path, and is connected only to static fluid.

Applicant submits that Jones provides no teaching or suggestion of connecting an orifice to the main flow path for fluid, i.e. to the dynamic fluid.

Therefore, Applicant submits that the claims distinguish patentably over any combination which includes Jones. Both combinations of references proposed by the Examiner therefore fail to yield the invention as presently claimed.

Applicant has considered the other references cited by the Examiner, but not applied to the claims. None of these references is believed to affect the patentability of the pending claims.

Applicant also incorporates by reference, and repeats, the other arguments made with respect to Jones, in the prior appeal brief.

For the reasons given above, Applicant submits that the claims are allowable. Applicant requests reconsideration by the Examiner, and early favorable action.